

### REMARKS

Claims 1-11, 15-17, and 62-65 are pending in the application. Applicant requests consideration of the following remarks and allowance of the claims. In the event that the claims are not allowed, applicant respectfully requests an Advisory Action.

#### Rejections Based Upon 35 U.S.C. § 102(e)

Claims 1-11, 15-17, and 62-65 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,385,203 (McHale). Applicant respectfully disagrees for at least the following reasons.

Independent claim 1 requires a transceiver configured to communicate via a network protocol and a premises device configured to communicate via a premises protocol. Claim 1 further requires an access device configured to communicate with the transceiver and the premises device using a plurality of access technologies to receive a communication, to dynamically determine an access technology type for the communication from among the plurality of access technologies, to reformat the communication for another access technology type, and to transmit the communication. Mchale discloses a transceiver and a premises device, but fails to disclose an access device that dynamically determines an access technology type for the communication from among the plurality of access technologies, as required by claim 1.

McHale discloses a transceiver (modem 108, FIG. 3), a premises device (subscriber 12, FIG. 1), and an access device (communication server 58 of FIG. 2; col. 8, lines 33-65). Communication server 58 determines whether or not subscriber 12 should be connected to an XDSL modem, such as modem 108 (McHale, col. 6, lines 26-29). If so, an XDSL connection is established between subscriber 12 and modem 108. The access technology type used between subscriber 12 and modem 108 is XDSL. There is no need in Mchale to determine an access technology type. In contrast, claim 1 specifically requires that the access device dynamically determine an access technology type for the communication from among the plurality of access technologies.

Independent claim 62 contains limitations similar to those of claim 1 and is therefore allowable over the art of record for at least the same reasons as claim 1. The remaining dependent claims, while separately allowable over the art of record, depend

from otherwise allowable independent claims. Applicant therefore refrains from a discussion of the dependent claims for the sake of brevity.

**CONCLUSION**

The claims in their present form are allowable over the art of record. Applicant therefore respectfully requests allowance of the claims. Any fees in addition to those submitted may be charged to deposit account 21-0765.

Respectfully submitted,

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Stephen S. Roche, Reg. No. 52,176  
Setter Ollila LLC  
Telephone: (303) 938-9999 ext. 15  
Facsimile: (303) 938-9995

**Correspondence address:**

**CUSTOMER NO. 28004**

Attn: Harley R. Ball  
6391 Sprint Parkway  
Mailstop: KSOPHT0101-Z2100  
Overland Park, KS 66251-2100